

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

EAGLE POINT EDUCATION  
ASSOCIATION, et al.,

No. 1:12-cv-00846-CL

Plaintiffs,

v.

JACKSON COUNTY SCHOOL  
DISTRICT NO. 9, et al.,

**ORDER**

Defendants.

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**MCSHANE, District Judge:**

Plaintiffs Eagle Point Education Association, Dave Carrell, and Staci Boyer bring this civil rights action against Jackson County School District No. 9 (the District). Plaintiffs claim that the District infringed on their First Amendment rights to express support for a strike. Plaintiffs seek declaratory and injunctive relief, and nominal damages.

The parties have filed cross-motions for summary judgment. Magistrate Judge Mark D. Clarke has issued a Report and Recommendation, recommending that the District's motion be denied and Plaintiffs' motion be granted.

The matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Defendants object to the Report and Recommendation, so I have reviewed the issues de novo. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981). After


review, I adopt Magistrate Judge Clarke's Report and Recommendation, which correctly resolves the issues raised. I conclude that Walker v. Texas Division, Sons of Confederate Veterans, Inc., 135 S. Ct. 2239 (2015), cited by Defendants as supplemental authority, does not alter the analysis here.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#91) is adopted. Defendants' motion for summary judgment (#56) is denied and Plaintiffs' motion for summary judgment (#63) is granted. Plaintiffs shall submit a proposed judgment within fourteen days from the date of this order.

IT IS SO ORDERED.

DATED this 9 day of July, 2015.

  
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**MICHAEL J. MCSHANE**  
**U.S. DISTRICT JUDGE**